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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

B. JAY BARAFF  
ROBERT L. OLENDER  
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MARK J. PALCHICK  
JAMES E. MEYERS

December 17, 1993

OF COUNSEL  
ROBERT BENNETT LUBIC

FAX: (202) 686-8282

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

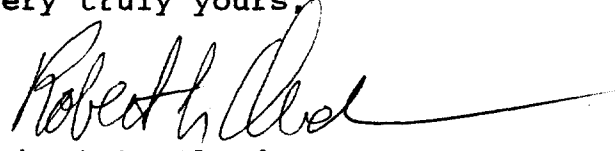
*PRM*

Dear Mr. Caton:

Transmitted herewith, on behalf of MEDIACOM Inc., licensee of radio Station WRZZ, Ravenswood, West Virginia, are an original and four (4) copies of its Petition for Rulemaking to change its community of license to Elizabeth, West Virginia.

Should further information be desired in connection with this Petition, please communicate with this office.

Very truly yours,



Robert L. Olender  
Counsel for  
MEDIACOM INC.

RLO:bpt  
Enclosures  
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DEC 17 1993

**Before the  
Federal Communications Commission**

Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )

Amendment of Section 73.202(b)  
of the Commission's Rules )

RM

Table of Allotments, FM Broadcast  
Stations )

MEDIACOM, Inc., Licensee of  
Station WRZZ, Ravenswood,  
West Virginia For Change in  
Community of License to  
Elizabeth, West Virginia )

To: Chief, Mass Media Bureau

**PETITION FOR RULEMAKING**

MEDIACOM Inc., licensee of radio Station WRZZ, Ravenswood, West Virginia, through counsel, herein petitions the Commission to amend Section 73.202(b), 47 C.F.R. 73.202(b) of the Commission's FM Table of Allotments to modify its license on Channel 291A to specify a new community of license as Elizabeth, West Virginia. In support thereof, the following is shown:

1. The Commission in its Report and Order, released June 15, 1989, in MM Docket No. 88-526 (FCC 89-128) and clarified in its Memorandum Opinion and Order, released November 30, 1990 (FCC 90-374) amended Section 1.420(i) of its rules and regulations to provide that,

In the course of the rulemaking proceeding to amend Section 73.202(b) or Section 73.606(b), the Commission may modify the license or permit of an FM or television broadcast station to specify a new community of license where the amended allotment would be mutually exclusive with the licensee's or permittee's present assignment.

2. WRZZ's proposal to change its community of license from Ravenswood to Elizabeth on Channel 291A is consistent with Section 1.420(i). As indicated in the attached engineering exhibits (Attachment A) prepared by Ted Jacobson (submitted to the Commission informally on September 13, 1993<sup>1</sup>), he demonstrates that the amended allotment is mutually exclusive with the present WRZZ assignment as required by Section 1.420(i) as shown by the short spacing of -91.21 km. Furthermore, WRZZ will be able to place the requisite 3.16 MV/m, 70 dBu contour over Elizabeth.

3. WRZZ requests this change in license because from its present tower location it is unable to properly serve its community of license within its 70 dBu contour. This is due to terrain problems which have made it necessary for the prior licensee to request a waiver of the city of license contour rules. According to the original request for a waiver, multi-path signal distortions caused by the winding river valley and hills along either side of the river adversely affected the city grade signal. Furthermore, it is not possible to improve the city grade signal by relocating the transmitter site because this would encroach on the protective contours of Station WAEZ licensed to Milton, West Virginia. (See Engineering Study Attachment C).

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<sup>1</sup>Attached is the cover letter of September 13, 1993, submitted by MEDIACOM (Attachment B).

4. The Commission's Order also indicates that, we will not allow any broadcaster to take advantage of this new procedure if the effect would be to deprive a community of an existing service representing its only local transmission service.

WRZZ is in compliance with the policy since Ravenswood, West Virginia would not be left without its only local transmission service since standard broadcast Station WMOV(AM), would remain as a local service. In addition, Station WFYZ(FM) has a construction permit for Ravenswood (Attachment D).

5. The Commission concludes that, we believe that public interest, convenience and necessity would best be served by allowing permittees and licensees to change their community in the circumstances set forth herein without being subject to competing applications. In order to amend an allotment using this procedure, we will compare the proposed allotment plan to the existing state of allotments for the communities involved. If adoption of the proposed allotment plan results in a net service benefit for the communities involved (that is, if the plan would result in a preferential arrangement of allotments), we will adopt the proposal.

Elizabeth has no local service and WRZZ would provide first local service. Since Elizabeth would receive first local service, this would result in the preferred distribution of facilities under the Commission's allotment priorities and policies. See Revision of FM Assignment and Procedures, 90 FCC 2d 88, 92 (1982). This is clearly a situation where the public interest, convenience and necessity will best be served by allowing WRZZ to change its community of license without being subject to competing applications since it will result in new service to Elizabeth with no reduction of service to

Ravenswood which will have two full time stations allocated to it.<sup>2</sup>

ACCORDINGLY, since WRZZ's proposal complies with the Commission's new procedures and rules, adoption of its petition to change its community of license from Ravenswood to Elizabeth should be approved.

Respectfully submitted,

MEDIACOM INC.

By: 

Robert L. Olender  
Its Attorney

BARAFF, KOERNER, OLENDER,  
& HOCHBERG, P.C.  
5335 Wisconsin Avenue, N.W.  
Washington, D.C. 20015  
(202) 686-3200

December 17, 1993  
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<sup>2</sup>There are only three commercial FMs which serve Elizabeth with a 60 dBu signal, WEYQ; WXIL and WHCM (See Attachment E). However, there are sixteen stations serving Jackson County West Virginia where Ravenswood is located, with six FM services placing a 60 dBu contour over Ravenswood (See Attachment F).

**ATTACHMENT A**

C-98 Communications  
P.O. Box 598 \* Ripley - West Virginia

Elizabeth, WV Channel Spacing Study

Using USGS City Coordinates for Class A

REFERENCE  
39 3 48 N  
81 23 43 W

CLASS A

DISPLAY  
SEARCH DATE  
06-29-93

----- CHANNEL 291 -106.1 MHz -----

CALL	CH#	CITY	STATE	BEAR'	D-KM	R-KM	MARGIN
WRZZ	291A	Ravenswood	WV	262.5	23.79	115.0	-91.21 *
WKKWFM	293B	Clarksburg	WV	79.4	74.73	69.0	5.73
WTNJ	290B	Mount Hope	WV	172.4	131.78	113.0	18.78
WAEZFM	292A	Milton	WV	228.8	93.97	72.0	21.97
WWJM	292A	New Lexington	OH	320.1	103.27	72.0	31.27
WWJM.C	292A	New Lexington	OH	320.1	103.30	72.0	31.30
WKTQ	288A	Athens	OH	298.3	68.35	31.0	37.35
WVNOFM	291B	Mansfield	OH	331.0	215.82	178.0	37.82
WRGO	291B	Cumberland	MD	75.0	222.79	178.0	44.79
WOBGFM	289A	Salem	WV	71.1	87.39	31.0	56.39
WWYS	292A	Cadiz	OH	19.7	140.42	72.0	68.42

**ATTACHMENT B**





September 13, 1993

Ms. Donna Searcy  
FCC  
1919 M Street, N.W.  
Washington, D.C. 20554

Dear Ms. Searcy,

Enclosed in duplicate are two different proposals the my partner, Sam Yoho discussed with Mr. Mike Ruger. Please see that Mr. Ruger receives these copies. We will call to schedule an appointment with Mr. Ruger, once he has the opportunity to review the enclosed documents.

Yours Truly,

Donald Staats  
MediaCom, Inc.

**WRZZ 106.1 FM**

P.O. Box 1346  
Parkersburg, WV 26102  
(304) 863-3319

222 Walnut St.  
Ravenswood, WV 26164  
(304) 273-2959

**ATTACHMENT C**

**C-98 COMMUNICATIONS, Inc.**

Broadcast and Telecommunications Services  
P.O. Box 598 - Ripley, West Virginia 25271

(304) 372 9898

February 15, 1991

Mr. Don Staats  
Mr. Sam Yoho  
WRZZ (FM) Radio  
Mediacom, Inc.  
Ravenwood, WV 26164

In Re: City of License City  
Grade Signal Coverage

Gentlemen:

The following is provided as a summary of the various factors affecting the ability of WRZZ (FM) to deliver an effective "City Grade" signal over its presently assigned City of License, ....Ravenwood, WVa.

Present Tower Location: The existing transmitter site, which was assigned prior to Mediacom, Inc.'s acquisition of WRZZ, places Ravenwood, WV at the extreme southwest corner of its 70 dBu contour. This location, coupled with terrain problems at the City of License, (see next section) made it necessary to request (and be granted) an F.C.C. waiver of City of License contour rules.

Terrain Shielding: The present City of License, is a port city on the Ohio River, and as such, its ground elevation is around 700 feet above mean sea level (AMSL). Immediately to the northeast of Ravenwood, ridge lines rise rapidly to elevations of over 1000 feet AMSL. This terrain feature significantly affects WRZZ's City Grade signal. This terrain factor was cited in the original request for an F.C.C. waiver. Multi-path signal distortions caused by the winding river valley, and hills along either side of the river, further adversely affect the City Grade Signal.

MM Docket #88-375: This F.C.C. rulemaking permitted WRZZ to increase power to the equivalent of 6 KW, ERP, ....however it tightened the Spacing Tables with respect to adjacent channel stations. Any efforts to improve the City Grade signal to Ravenwood by relocating the transmitter site, would be limited to a move of 3.29 Kilometers, before encroaching on the protected contours of WABZ (FM), Licensed to Milton, WVa. (please see attachment). It is our opinion that such a move would be cost prohibitive in return for minimal (if any) "real" improvement in City Grade coverage.

WRZZ (FM)  
Mediacom, Inc.

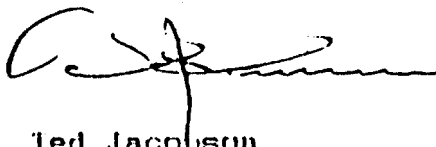
February 15, 1991  
Page 1 of 2

In conjunction with the attached Spacing Table study, it was also determined that the present channel, at the present City of License, is unusable at higher power levels.

This combination of factors clearly makes it very difficult, to improve the City Grade coverage of the present City of License.

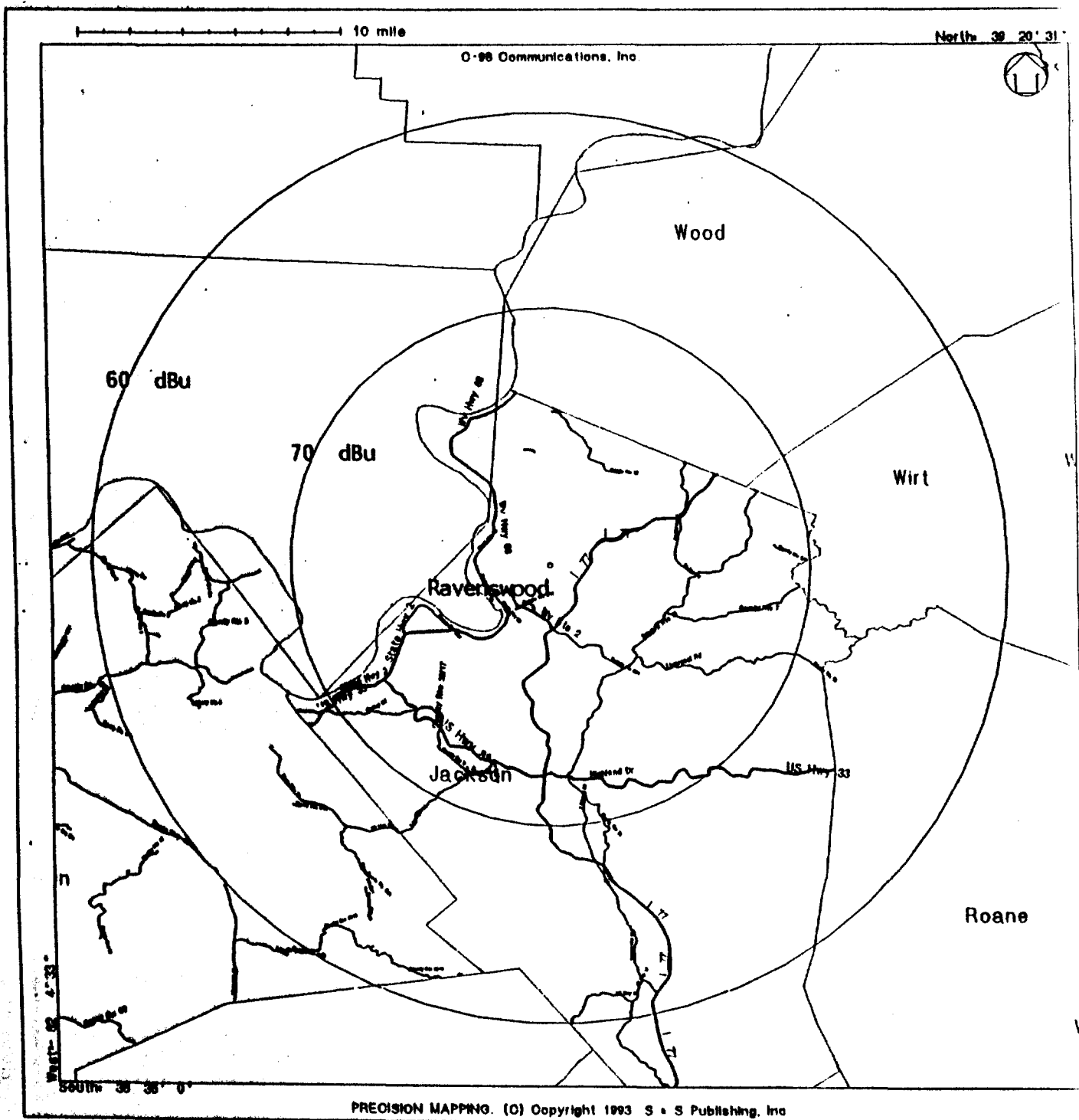
If you require additional detail on any of this data, I hope you will feel free to get in touch.

Sincerely,



Ted Jacobson  
General Manager

**ATTACHMENT D**



WFYZ (Construction Permit) - RAVENSWOOD, WEST VIRGINIA

**ATTACHMENT E**

**C-98 COMMUNICATIONS, Inc.**

Broadcast and Telecommunications Services  
P.O. Box 598 - Ripley, West Virginia 26271

(304) 372 9898

August 9, 1993

Mr. Don Staats  
Mr. Sam Yoho  
MediaCom, Inc. - WRZZ Radio  
P.O. Box 1346  
Parkersburg, WV 26102

Dear Don and Sam,

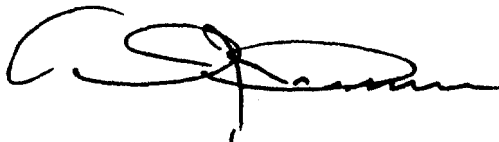
Per your request, we have completed the mapping analysis of commercial FM broadcast signals receivable within a fifteen kilometer radius of Elizabeth, West Virginia.

There are no commercial signals which fully serve Wirt County, West Virginia. Three commercial FM's serve the city of Elizabeth with a 60 dBu signal.

The enclosed map is centered on Elizabeth, WV and its coordinates are noted in the map frame window. The predicted contours are derived using the USGS terrain elevation database in order to obtain a clearer picture of the effects of the rather rugged terrain of Wirt County. The signals which do reach into the Elizabeth area are also substantially subjected to terrain induced shadowing and multipath interference.

If you have additional questions regarding this data, please feel free to get in touch.

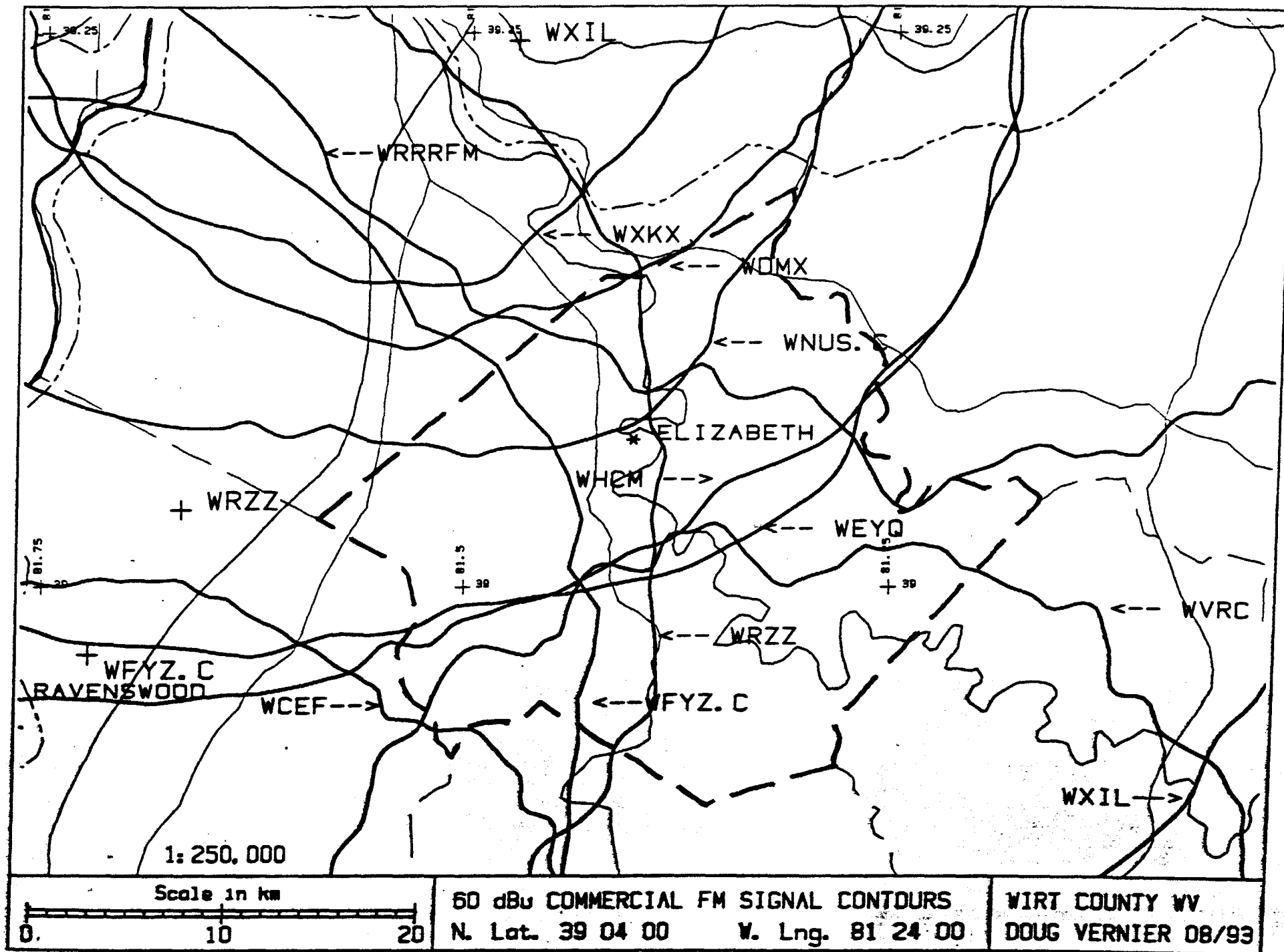
Sincerely,



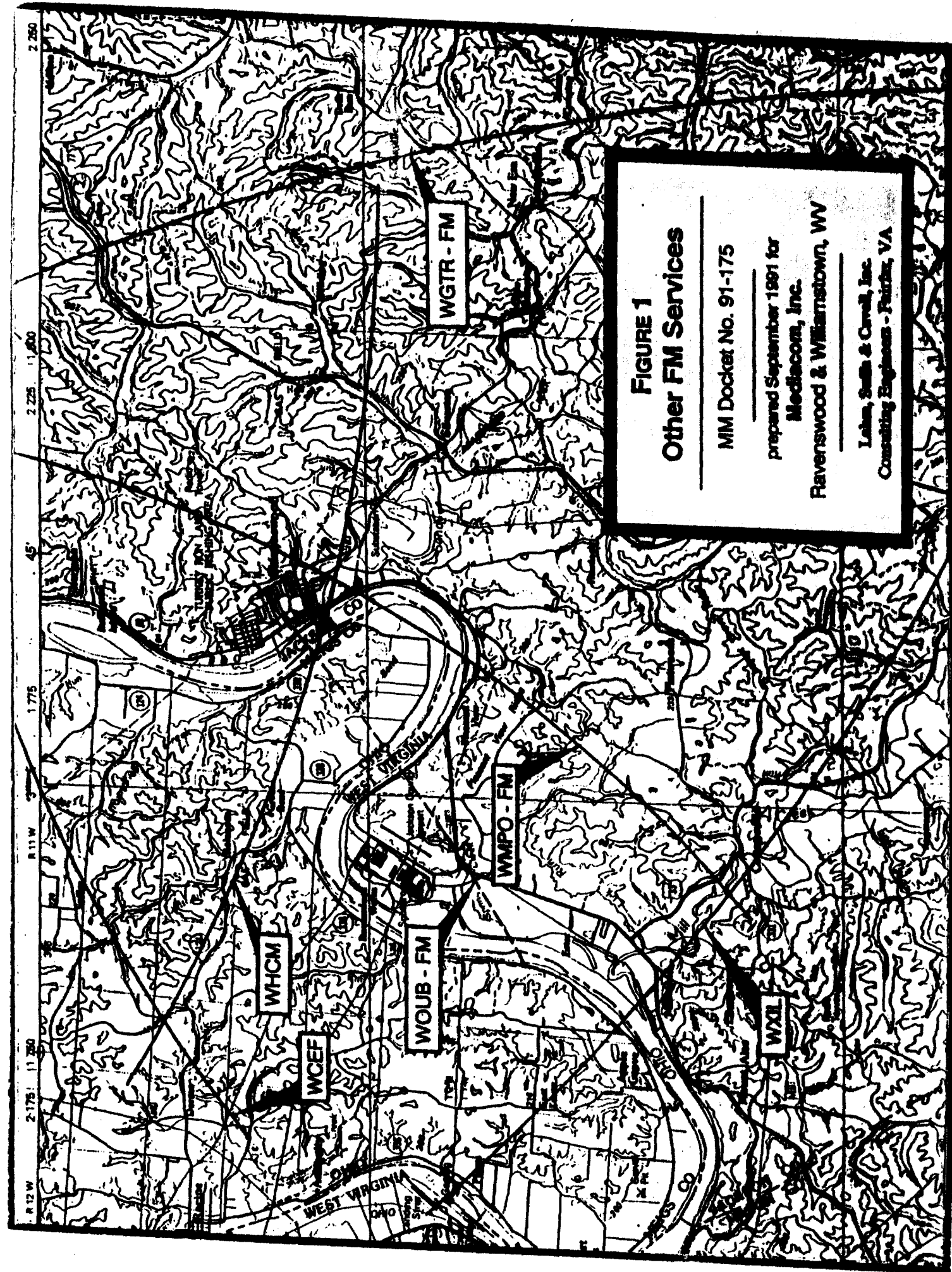
Ted Jacobson

cc: Mr. Roscoe Peters





**ATTACHMENT F**



# FIGURE 1 Other FM Services

MM Docket No. 91-175

prepared September 1991 for  
Mediacom, Inc.

Ravenswood & Williamstown, WV

Lehm, Smith & Correll, Inc.  
Consulting Engineers - Fairfax, VA

**CERTIFICATE OF SERVICE**

I, Barbara P. Taylor, a secretary in the law offices of Baraff, Koerner, Olender & Hochberg, P.C., certify that on this 17th day of December, 1993, a copy of the foregoing "Petition for Rulemaking" was hand-delivered to the following:

John A. Karousos, Esq.\*  
Acting Chief, Allocations Branch  
Mass Media Bureau  
2025 M Street, N. W.  
Room 8322  
Washington, D.C. 20554

  
Barbara P. Taylor

---

\*Via Hand Delivery

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